

### **REMARKS**

The Examiner is thanked for the allowance of Claims 3-14, 17-27, and 30-41.

By this amendment, Claims 1, 15, and 28 have been amended to expressly recite an implicit definition of a term featured therein. Thus, amendments to the claims herein are made to improve readability of the claims, without acquiescence of the position of the Office Action or prejudice to pursue the previously presented claims in a continuation application. No claims have been added or cancelled herein. Hence, Claims 1-41 are pending in the application.

### **FILED IDS HAS NOT BEEN ACKNOWLEDGED**

The Applicants have filed an Information Disclosure Statement (an "IDS") on July 9, 2004. The Applicants have not yet received an initialed form PTO-1449 acknowledging receipt and consideration of the IDS. Consequently, Applicants respectfully request an initialed form PTO-1449 acknowledging receipt and consideration of the IDS filed on July 9, 2004.

### **SUMMARY OF THE REJECTIONS**

Claims 1-2, 15-16, and 28-29 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by the published patent application WO 91/03024 by Masden et al. ("*Masden*").

The rejections are respectfully traversed.

**CLAIMS 1-2, 15-16, AND 28-29 ARE PATENTABLE OVER *MASDEN***

Each of Claims 1-2, 15-16, and 28-29 are patentable over *Masden* as each claim features subject matter that is not disclosed, taught, or suggested by the cited art.

Claim 1 is patentable over *Masden*

Claim 1 features the elements of:

“sending, from a requestor to a master of the resource, a lock mode request for a lock mode on the resource;  
receiving the resource at the requestor from a holder of the resource, wherein the holder of the resource is separate and distinct from the master of the resource, and wherein the holder is a process that currently holds rights to access the resource by virtue of a lock mode, on the resource, that was previously granted to the holder by the master of the resource; and  
accessing the resource as if the requestor had been granted the lock mode without waiting to receive an express lock mode grant from the master.” (emphasis added)

At least the above-underlined element is not disclosed, taught, or suggested by *Masden*.

There are significant differences between the approach of Claim 1 and the approach of *Masden*. According to the approach of Claim 1, a requestor sends a lock mode request for a lock mode on a resource to a master of the resource. The requestor receives the resource from a holder from the resource. The holder of the resource is separate and distinct from the master of the resource. The requestor accesses the resource as if the requestor had been granted the lock mode without waiting to receive an express lock mode grant from the master. Advantageously, the requestor may access the resource with greater speed than if the requestor had to wait to receive an express lock mode grant from the master of the resource.

The Applicants' specification (at page 1, lines 15-16) teaches that a "holder" of a data item refers to one or more entities that currently hold the rights to access the data item. The specification also teaches that the rights to access a data item are determined by virtue of a lock mode granted to the holder by the master of the data item (see, *inter alia*, page 1, line 22 – page 3, line 18). The specification further teaches that the master, holder(s), and requester(s) of a data item may be separate processes on a single node, processes on separate nodes, or some may be processes on the same node with others on separate nodes (See page 1, lines 19-21). Claim 1 is amended herein to expressly recite the implicit definition of a holder as used by the Applicants' specification. Specifically, Claim 1, as amended, recites the feature of "wherein the holder is a process that currently holds rights to access the resource by virtue of a lock mode, on the resource, that was previously granted to the holder by the master of the resource."

The Office Action argues that *Masden* teaches Claim 1 because:

the Applicant has indicated in the specification that the holder, master and requestor are separate processes, which may be on the same node or different nodes (Page 1, Lines 19-21). In Masden's system the file server incorporates separate processes as the holder and master; thus the master and the holder are separate and distinct.

In support of this position, the Office Action argues that a holder, as claimed, is shown by mechanism 206 of *Masden*. Specifically, the Office Action asserts that the feature of "receiving the resource at the requestor from a holder of the resource" is shown by "(Figure 2, Reference 204 and 206)."

The element of "receiving the resource at the requestor from a holder of the resource, wherein the holder of the resource is separate and distinct from the master of the resource" is not disclosed, taught, or suggested by *Masden*. The Office Action argues that

a holder of the resource, as claimed, is taught by mechanism 206 of *Masden*. However, *Masden* teaches that mechanism 206 “provides storage for system files” (see page 5, lines 34-35). As such, mechanism 206 cannot be a holder of the resource as claimed, because the master of the resource does not and cannot assign, to the mechanism 206, rights to access the resource by virtue of a lock mode. In sharp contrast, the function of mechanism 206 is to store system files; therefore, while other entities may be assigned rights to access a resource stored in the mechanism 206, the system of *Masden* does not assign rights, to mechanism 206, to access a resource.

As a result, mechanism 206 cannot be read so broadly as to qualify as a holder of a resource. Consequently, *Masden* fails to disclose, teach, or suggest, “receiving the resource at the requestor from a holder of the resource, wherein the holder of the resource is separate and distinct from the master of the resource” because a mechanism 206 cannot be a “holder of the resource” since it cannot be assigned rights to access a resource.

Additionally, Claim 1 has been amended to recite the feature of “wherein the holder is a process that currently holds rights to access the resource by virtue of a lock mode, on the resource, that was previously granted to the holder by the master of the resource.” For at least the above reasons, *Masden* does not disclose, teach, or suggest this element. Further, mechanism 206 is a storage medium, not a process; thus, mechanism 206 additional fails to satisfy the claimed feature of this element that the holder “is a process.”

Consequently, as at least one element of Claim 1 is not disclosed, shown, or suggested by *Masden*, it is respectfully submitted that Claim 1 is patentable over *Masden* and is in condition for allowance.

Claims 2, 15, 16, 28, and 29 are patentable over *Masden*

Claim 15 includes limitations similar to Claim 1, except in the context of a system. Claim 28 includes limitations similar to Claim 1, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claims 15 and 28 are each patentable over *Masden* for at least the reasons given above with respect to Claim 1.

Claims 2, 16, and 29 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 2, 16, and 29 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2, 16, and 29 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Brokaw  
Reg. No. 45,620

2055 Gateway Place, Suite 550  
San Jose, CA 95110-1089  
(408) 414-1080, ext. 225  
**Date: July 20, 2005**  
Facsimile: (408) 414-1076

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
**Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450.

On July 20, 2005 By

  
Angelica Maloney